IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1504 OF 2007

1. Sangeeta Amit Mallik)
Aged about 29 yrs., Occ: Housewife,)
Residing at 640, Sheetal Nagar No.1,)
Gulmohar Society, Dehu Road, Pune)
)
2. Geeta Satbir Pilania)
Aged about 32 yrs.)
Residing at Flat No.205,)
Swaran Jayanti Society,)
Plot No.97, Sector 54,)
Gurgaon, Haryana) ...Petitioners

V/s.

The State of Maharashtra)
The Officer-in-Charge,)
Mahatma Phule Police Station,)
Kalyan, Dist. Thane, Maharashtra) ...Respondent

Shri E.A. Sai, Advocate, for the Petitioners.

Shri A.S. Gadkari, APP, for the Respondent.

CORAM : R.M.S. KHANDEPARKAR &
SMT.V.K. TAHILRAMANI, JJ.

DATE : 10TH SEPTEMBER, 2007.

ORAL JUDGMENT [Per R.M.S. Khandeparkar, J.] :

1. Heard. Rule.

2. By consent, Rule made returnable forthwith.

3. The Petitioners impugn the F.I.R. No.199 of 2007 dated 1-5-2007 registered at Mahatma Phule Chowk Police Station, Thane so far as it relates to the Petitioners.

4. It is the case of the Petitioners that the complaint dated 1-5-2007, on the basis of which the said impugned F.I.R. has been registered, nowhere discloses any cognizable offence to have been committed either by the petitioners themselves or in collusion with other persons and, therefore, the police authorities could not have registered the F.I.R. against the Petitioners on the basis of the said complaint.

5. Upon hearing the learned Advocates and the parties and on perusal of the record and, more particularly, the complaint dated 1-5-2007, apparently discloses that only allegation which has been made against the Petitioners herein is to the effect that they had taken some money from the complainant's parents and that they were instigating the complainant's husband by exaggerating certain things to harass the complainant to compel her to leave the matrimonial house. The complainant nowhere discloses

any act on the part of the petitioners which can constitute a cognizable offence so as to enable the police authorities to register the F.I.R. against the Petitioners. Merely because the complainant alleges of borrowing certain money either from the complainant or from any of her family members, that itself cannot constitute cognizable offence so as to enable the police authorities to register the F.I.R. against the petitioners.

6. Since the complaint nowhere discloses any cognizable offence against the Petitioners, the Petitioners are justified in seeking the order for quashing the F.I.R. as far as it relates to the petitioners.

7. The Petition accordingly succeeds on the above limited ground. The impugned F.I.R. to the extent it relates to the Petitioners herein is hereby quashed. It is made clear that the quashing of the F.I.R. will not preclude the police authorities from continuing with the investigation in relation to other persons named as accused in the said F.I.R. With these clarifications, the Rule is made absolute in the above terms with no order as to costs.

[Smt.V.K. Tahilramani, J.] **[R.M.S. Khandeparkar,J.]**